

NIAD 214.1 (10103730)

Sub C1
 Claim 30: A method for enhancing delivery of oxygen to a tissue, comprising applying to said tissue a nicotinic acid alkyl ester, wherein the alkyl group of said nicotinic acid ester consists of from 8 to 10 carbon atoms, in an amount sufficient to enhance oxygen delivery to said tissue.

Claim 31: The method of claim 30, wherein said nicotinic acid alkyl ester is applied topically.

Claim 32: The method of claim 30, wherein said tissue is skin.

Claim 33: The method of claim 30, wherein said nicotinic acid alkyl ester is nicotinic acid octyl ester.

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 Claim 34: The method of claim 30, wherein said nicotinic acid alkyl ester is applied in the form of a composition which contains from about 0.05% to about 5.0% by weight of said compound.

Claim 35: The method of claim 34, wherein said composition contains from about 0.1% to about 1.0% by weight of said compound.

Sub C2
 Claim 36: The method of claim 34, wherein said composition is a cream, a lotion, a salve, a balm, a roll-on stick, a shampoo, a wash, or a suppository.

Claim 37: The method of claim 34, wherein said composition further comprises butyl benzoate.

REMARKS

This amendment is presented in accordance with 37 CFR § 1.121(h). Claims have been cancelled and new claims have been added, so there is no need for a showing of changes.

Parent claim 30 corresponds to prior claim 23. Claim 23 was not rejected under 35 USC § 102, so the anticipation rejection need not be considered herein.

The claims were, however, deemed obvious over Huber, U.S. Patent No. 2,431,558, taken with Le, Int. J. Pharm. 163:11-22, and Otsuka et al, U.S. Patent No. 5,151,271. Applicants traverse.

First of all, it is agreed that Le teaches relevant information about the P value of octyl niacin. This is not challenged.

What is challenged, however, is the relevance of Huber to claims like claim 30.

Huber did not apply octyl niacin to subject animals. The only tests run were with n-butyl and n-hexyl nicotinate. See column 3, lines 15-17. No tests were carried out on the octyl nicotinate.